

379 Nevada Street,
Auburn, CA 95603
530.886.1869
fax 530.886.1810

Policies

The policies & procedures contained in this document assure that the First 5 Placer Children and Families Commission is in compliance with H & S Code Section 130140 (d)(4), which includes new requirements under Chapters 243 & 284, Statutes of 2005.

May 11, 2006

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A. POLICY STATEMENT - CONTRACTING AND PROCUREMENT

Best practice in governmental contracting requires a selection process that is based on the open and fair identification and selection of vendors qualified to render a particular service, taking into consideration both technical qualifications and price. Consequently, service-contracting rules usually permit the use of a request for proposals (RFP) process, or in the case of the First 5 Placer Commission (hereinafter referred to as, "COMMISSION") a Request for Results (RFR) process, rather than mandating selection of the lowest complying bidder. Best practice, however also recognizes that conducting a request for results process is not the only way to assure open and fair selection of qualified service providers. Other procedures are available that can meet the best-practice requirements of fairness, openness, and thorough documentation.

The distribution of Proposition 10 funds shall be conducted economically and expeditiously, under fair, open, and well-documented procedures, and in accordance with best procurement practices. The COMMISSION shall develop a contract when entering into agreements with service providers for the use of Proposition 10 funds. Contracts will link to the outcomes and performance measures of the COMMISSION's strategic plan. The COMMISSION shall take the necessary measures to ensure that providers comply with the terms of their contracts and deliver desired results for the prenatal through 5 populations.

B. PURPOSE

The purpose of this contracting and procurement policy is to provide a process to procure goods and services that insures fairness, accountability and adherence to state and federal contracting requirements while affording the flexibility necessary to efficiently conduct the outcome-oriented business affairs of the *First 5 Placer - Children and Families COMMISSION*.

C. POLICY

Pursuant to Health and Safety Code Sections 130100 et. seq., and the County ordinance establishing the First 5 Placer - Children and Families COMMISSION, the COMMISSION has the power to employ personnel, contract for personnel, and enter into contracts necessary or appropriate to purchase goods and services to carry out the provisions of the California Children and Families Act ("Act") and implement the COMMISSION's strategic plan. No individual may contract on behalf of First 5 Placer unless he or she has been specifically delegated authority by this policy, state law, or other act of the COMMISSION.

D. PURCHASE OF GOODS

The Executive Director and/or the COMMISSION Chair has the authority to purchase supplies, materials, equipment or other personal property ("Goods") in support of the COMMISSION's strategic plan, if the total amount for the same or similar Goods is less than \$50,000 from the same vendor in the same fiscal year. The Executive Director, in conjunction with the COMMISSION Chair, may exceed this authority up to \$100,000 if a special circumstance warrants immediate action and is necessary to carry out the COMMISSION's business. In such a case, The Executive Director will submit a report to the COMMISSION at the next regularly scheduled meeting. In all other cases, the Executive Director will report to the Executive/Finance Committee on a quarterly basis outlining all contracts signed under this delegation.

The purchase of Goods for \$25,000 or less may be procured using an informal competitive selection process as described in 1, Item F., (Informal Selection Process).

The purchase of Goods over \$25,000 requires an Invitation to Bid (ITB) as described in Item I., (Invitation To Bid) or a similar process. Incremental contracting with the same vendor cannot be used to avoid the requirements of this policy.

E. PURCHASE OF SERVICES

The Executive Director and/or the COMMISSION Chair has the authority to purchase services in support of the COMMISSION's strategic plan, if the total amount for the same or similar services is less than \$50,000 from the same vendor in the same fiscal year. The Executive Director, in conjunction with the COMMISSION Chair, may exceed this authority up to \$100,000 if a special circumstance warrants immediate action and is necessary to carry out the COMMISSION's business. In such a case, The Executive Director will submit a report to the COMMISSION at the next regularly scheduled meeting. In all other cases, the Executive Director will report to the Executive/Finance Committee on a quarterly basis outlining all contracts signed under this delegation.

The purchase of services for \$50,000 or less may be procured by using an informal competitive selection process as described in Item F., (Informal Selection Process)

The purchase of services over \$50,000 requires a Request for Qualifications (RFQ) as described in Item H, unless an exception applies pursuant to the Selection Process Exceptions in Item J. Incremental contracting with the same provider cannot be used to avoid the requirements of this policy.

F. INFORMAL SELECTION PROCESS

An Informal Selection Process involves documenting a price request from two or more vendors by phone, fax or e-mail and selecting the vendor that best fits the COMMISSION's needs, considering quality and price. An Informal Selection Process

may be used only if the goods or services are clearly defined and a potential vendor can give an accurate price quotation.

An Informal Selection Process may be used to procure GOODS if the total contract price does not exceed \$25,000 and to procure the same or similar SERVICES if the total contract price does not exceed \$50,000.

G. REQUEST FOR RESULTS

A Request for Results (RFR) application process is used to acquire services to achieve outcomes for children - prenatal through 5 years of age. The applicant must submit a written proposal explaining how the applicant plans to meet the COMMISSION's requirements. Innovative ideas and outcome-oriented techniques are encouraged. An RFR award is not based on the lowest cost, but upon technical superiority of the proposal within a reasonable proximity to the other proposed outcomes and costs. The initial contract term and provisions for allowable extensions will be specified in the RFR. After the initial term, the COMMISSION may extend or enter into a new contract with the same contractor for the same or similar services and outcomes without conducting a new selection process, if the COMMISSION determines that the service delivery and outcome goals are being met. After the second term of the contract, the COMMISSION will evaluate the service delivery and achievement of outcomes and determine whether to conduct a new selection process or if it is in the COMMISSION's best interest to continue the contract.

An RFR contains the following:

1. A clear and concise requirements statement describing the purpose of the RFR and what the applicant is expected to accomplish. The statement shall include standards for quality and quantity, expected performance and time lines, eligibility requirements, staffing requirements and/or financial requirements. The specifications statement shall provide an open competitive process to attract an optimum number of applicants.
2. An applicant's responsibility criteria that may include references, financial statements, licenses, bonding and insurance.
3. Submission criteria that may include a calendar of key timeframes, instructions as to where and to whom proposals are submitted, price limitations and formatting requirements.
4. A review process and review criteria related to the specifications of the requirements statement. The RFR shall set forth the criteria and may include the weight each is given. There shall be a two-step process to evaluate proposals. The First step is to determine whether a proposal is responsive and from a responsible provider. The second step is to evaluate those responsive and responsible proposals based on criteria related to the requirements statement. Selection shall be based on the proposal most advantageous to the COMMISSION based on the findings from the two-step process.
5. Terms and conditions of the RFR process including, but not limited to the COMMISSION's right to reject all proposals, amend, or cancel the RFR at any

time for any reason before the contract is executed, to accept all or a portion of any proposal, and to waive any minor irregularities or informalities in any proposal and to request clarification from any applicant. The terms and conditions may also include standard conditions of the proposed contract.

6. All COMMISSION decisions related to the RFR process are final.

Proposals must be received as specified in the RFR. Late proposals will not be accepted. Proposals received in response to the RFR are not confidential.

An applicant may not be involved in drafting the RFR. While specifications can be suggested from applicants, the COMMISSION is responsible for ensuring that those specifications are nonrestrictive to provide an equal basis for competition, collaboration and participation for an optimum number of applicants.

An RFR may be amended if, (a) the change is in writing in the form of an Addendum to all applicants who received the original RFR, and (b) is published in a manner consistent with the original RFR.

Proposal Review Panel

Members of the review panel are selected based on their qualifications and expertise and appointed by the COMMISSION. All members of the review panel must sign a Conflict of Interest Form. Review panel proceedings and findings are not confidential.

H. REQUEST FOR QUALIFICATIONS

A Request for Qualifications (RFQ) is used when the COMMISSION requires a consultant, contractor or service provider, and the service requirements are well defined. An RFQ does not require a review panel. The Executive Director or his or her designee may evaluate the responses to the RFQ based on the paper submission and/or may conduct interviews and make funding recommendations to the COMMISSION. The responses are not sealed. An RFQ award is not made based on the lowest cost, but upon the consultant, contractor or service provider who best fits the service requirements within a reasonable proximity to the other proposed costs. The initial contract term and provisions for allowable extensions will be specified in the RFQ. After the initial term, the COMMISSION may extend or enter into a new contract with the same consultant, contractor or service provider for the same or similar services without conducting a new selection process, if the COMMISSION determines that the consultant, contractor or service provider meets the service delivery outcomes or goals. After the second term of the contract, the COMMISSION will evaluate the service delivery and achievement of outcomes or goals and determine whether to conduct a new selection process or if it is in the COMMISSION's best interest to continue the contract relationship.

I. INVITATION TO BID

An Invitation to Bid (ITB) is used to obtain clearly specified goods in excess of \$25,000 from a single vendor in the same fiscal year. The initial term and provisions for allowable extensions will be specified in the ITB. After the initial term, the COMMISSION may extend or enter into a new contract with the same vendor for the same or similar goods without conducting a new selection process if the vendor is meeting the service delivery outcomes or goals. After the second term of the contract, the COMMISSION will evaluate the service delivery and achievement of outcomes or goals to determine whether to conduct a new selection process or if it is in the COMMISSION's best interest to continue the contract.

An ITB contains the following:

1. Clear and concise specifications of the goods sought, that are not too restrictive. For instance, if the specification requires "brand name or equal" the bidder offering "equal" must submit complete specifications and/or samplers with their bids. Determination of equity is in the sole discretion of the COMMISSION.
2. The vendor's responsibility criteria that may include references, capacity, credit data, financial statements, licenses, bonding and insurance.
3. Submission criteria that includes a calendar of key timeframes, instructions as to where and to whom bids are submitted, the number of bids to be submitted, cost/pricing instructions, signature requirements and contact information.
4. Terms and conditions that will be incorporated into the purchase order or contract including, but not limited to, the COMMISSION's right to reject all bids, amend, or cancel the ITB at any time for any reason before the contract is executed, to accept all or a portion of any bid, and to waive any minor irregularities or informalities in any bid and to request clarification from any bidder.

Bids are opened and evaluated in a two-step process by a selection panel appointed by the COMMISSION or the COMMISSION's designee.

First, the panel determines whether or not the bidder is responsible and responsive by considering factors regarding the applicant and the goods described. Those bids that are responsible and responsive are evaluated based on the face value of the bid and related cost factors.

The panel makes funding recommendations to the COMMISSION.

J. SELECTION PROCESS EXCEPTIONS

All goods for more than \$25,000 and services for more than \$50,000 shall be procured by a competitive selection process unless the COMMISSION or Executive Director determines one of the circumstances below is satisfied or when the COMMISSION or the Executive Director determines that waiving the competitive selection process is reasonably necessary to conduct COMMISSION business.

The selection process, exception, or waiver must be documented.

1. Sole Source - If the goods or services are a sole source, a written justification is required. To determine whether or not the goods or services are a sole source, one or more of the following factors must be considered:
 - a. The uniqueness of a applicant/contractor's capabilities or Goods offered to meet the needs of the COMMISSION as compared to other contractors.
 - b. The prior experience of the proposed applicant/contractor is vital to the Goods or services.
 - c. The facilities, staff or equipment the proposed applicant/contractor has that are specialized and vital to the services required.
 - d. Whether or not the contractor has a substantial investment that would be duplicated at the expense of the COMMISSION if another applicant/contractor provided services.
 - e. The contractor's particular ability to provide Goods or services in the required time frame.
 - f. Patent rights or copyrights or secret processes the contractor possesses, including compatibility with existing COMMISSION Goods, and
 - g. Existing equipment maintenance programs or contracts.
 - h. After solicitation of a number of sources, competition is determined to be inadequate.
 - i. All local providers of a particular service will receive funding.
 - j. The COMMISSION is contemplating an effort that has not previously been done in the community and is therefore unable to either develop a RFR with sufficient specificity or to identify potential providers.
 - k. The cost of the goods or services is fixed by law.
 - l. Training, seminars or meetings for COMMISSION personnel.
 - m. Legal documents, goods or services.
2. Emergency - When goods or services are necessary to further the purpose of the Act or for the protection of the COMMISSION's personnel or property and time is of the essence. The situation must meet the criteria of being an emergency or have a direct impact on health and safety of children, prenatal through 5 years of age or COMMISSION personnel.
3. State or County Vendor - The COMMISSION may use a vendor under contract with the State or County without a competitive selection process if the State or County contract was procured by a competitive selection and the vendor accepts the same terms of the contract.
4. State or County Contract - The COMMISSION may contract with the State or County when the COMMISSION or the Executive Director determines that it is in the best interest of First 5.

K. REAL ESTATE CONTRACTS/LEASES

The Executive Director and/or COMMISSION Chair has the authority to negotiate, execute and amend real estate contracts, leases or real estate license agreements on behalf of the COMMISSION. Such action will be reported to the Executive/Finance Committee at the next regularly scheduled meeting.

SECTION 2 SALARY AND BENEFITS POLICY

A. POLICY STATEMENT - SALARY AND BENEFITS

1. The First 5 Placer Children and Families COMMISSION contracts with the County of Placer Health and Human Services Department for full time staff support. Under this arrangement, the COMMISSION affirms the use of the County of Placer's salaries, benefits, and personnel policies. Compensation provided for reimbursement of County for all travel and other expenses incurred by County in connection with the furnishing of staff support shall be consistent with the travel and expense schedule as approved annually by the Placer County Board of Supervisors.

SECTION 3 ADMINISTRATIVE COST LIMIT POLICY

A. POLICY STATEMENT - ADMINISTRATIVE COST LIMIT

Pursuant to subdivision (d) (5) of Health and Safety Code, Section 130140 the First 5 Placer - Children and Families COMMISSION hereby adopts a fourteen percent (14%) limit on the percentage of the COMMISSION's operating budget that may be spent on administrative functions.

1. Definition of Administrative Cost Functions

Administrative costs are defined as costs incurred in support of the general management and administration of the COMMISSION, for a common or joint purpose that benefits more than one cost objective (other than evaluation activities) and/or those costs not readily assignable to a specifically – benefited cost objective. Typical administrative costs include, but are not limited to, the following functions:

- General Accounting/Financial reporting
- Local annual Reporting Activities
- Finance Planning
- COMMISSION/Association meetings/travel
- Payroll/Benefits
- Human Resources Services
- Legal Services/Consulting

- Contract Compliance
- Audit
- Strategic Planning
- Procurement (supplies)
- Rent
- Maintenance (Cleaning/Janitorial)
- Equipment Maintenance
- Utilities
- Insurance

SECTION 4 **CONFLICT OF INTEREST CODE POLICY**

A. POLICY STATEMENT - CONFLICT OF INTEREST CODE

The Political Reform Act is set forth in Government Code Sections 81000-91015, and Fair Political Practices Commission Regulations contained in Title 2, Division 6 of the California Code of Regulations, requires State and local government agencies to adopt and publicize their conflict of interest codes. Of particular note are Government Code Sections 87100 – 87350, which seek to prevent conflicts of interests in two ways – disclosure and disqualification.

The code can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearing to conform to amendments in the Political Reform Act. Therefore, the terms of the California Code of Regulations, Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and along with the attached First 5 Placer Conflict of Interest Code (Appendix A) in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest code of the First 5 Placer - Children and Families COMMISSION.

All designated positions required to submit a statement of financial interests shall file the disclosure statement. The COMMISSION will make the statements available for inspection and reproduction (Government Code Section 81008). Upon receipt of the statements First 5 Placer shall make and retain a copy thereof and shall forward the original of these statements to the Placer County Elections Department to the attention of the Statement of Economic Interests filing officer.

SECTION 5 **ASSEMBLY BILL 1234 POLICY**

A. POLICY STATEMENT - ASSEMBLY BILL 1234

The purpose of the attached policies (Appendix B) is to provide written rules and guidelines to the First 5 Placer - Children and Families Commission in compliance with Assembly Bill 1234, Expense Reimbursement and Biennial Ethics Training requirements.

It is hereby declared that the COMMISSION, in addition to the following policy, shall comply with those provisions set out in the Placer County Administrative Code, Chapter 2, Meals, Lodging, Travel, and Transportation, as well as the County Credit Card Policy. It is further declared that all COMMISSION board members shall comply with the Biennial Ethics Training requirements outlined in this chapter of the Administrative Rules, Policies, and Practices.

APPENDIX A

CONFLICT OF INTEREST CODE

Resolution No. 01-2006

RESOLUTION OF THE First 5 Placer Children and Families COMMISSION ADOPTING THE FAIR POLITICAL PRACTICES COMMISSION MODEL CONFLICT OF INTEREST CODE

WHEREAS, The Political Reform Act of 1974, as amended ("the Act"), California Government Code §81000 et seq. requires in Government Code § 87300 that each agency subject to the Act, including The First 5 Placer Children and Families COMMISSION, adopt a local Conflict of Interest Code; and

WHEREAS, the Act provides in §87302 that each such local Conflict of Interest Code shall designate positions within each agency subject to the Code and further designate the types of reportable interests which must be disclosed by any such designated employee; and

WHEREAS, the Fair Political Practices Commission in administering the Act has adopted a regulation (2 California Code of Regulations §18703) which permits agencies subject to the Act to adopt by reference the Model Conflict of Interest Code developed by the Fair Political Practices Commission; and

WHEREAS, the First 5 Placer Children and Families COMMISSION now desires to adopt said model ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE First 5 Placer Children and Families COMMISSION as follows:

1. That pursuant to the provisions of Government Code § 87300 and 2 California Code of Regulations §18730, the First 5 Placer Children and Families COMMISSION hereby adopts the Fair Political Practice Commission's Model Conflict of Interest Code as set forth currently or as may hereafter be amended, as the local Conflict of Interest Code (hereinafter referred to as "Code") of the First 5 Placer Children and Families COMMISSION.
2. That said Code shall apply and be applicable to those persons in the service of the First 5 Placer Children and Families COMMISSION as listed below. Each employee occupying each designated position shall be assigned to a disclosure category based on the descriptions also set forth below.

3. That each employee in each designated position, as listed below, shall report, as required by the Code, all reportable interests for their particular disclosure category.
4. Designated Positions:

Don Ferretti,
Executive Director,
First 5 Placer - Children and Families COMMISSION

Nancy Baggett
Staff Services Analyst

APPENDIX B

ASSEMBLY BILL 1234 Administrative Rules, Policies, and Practices

SECTION I **PURPOSE**

The purpose of these policies is to provide written rules and guidelines to the First 5 Placer Children and Families COMMISSION (hereinafter referred to as “COMMISSION”, in compliance with Assembly Bill 1234, Expense Reimbursement and Biennial Ethics Training requirements.

SECTION II **POLICY STATEMENT**

It is hereby declared that the COMMISSION, in addition to the following policy, shall comply with those provisions set out in the Placer County Administrative Code, Chapter 2, Meals, Lodging, Travel, and Transportation, as well as the County Credit Card Policy. It is further declared that all COMMISSION board members shall comply with the Biennial Ethics Training requirements outlined in this chapter of the Administrative Rules, Policies, and Practices.

SECTION III **ADMINISTRATIVE RULES, POLICIES, AND PRACTICES**

The COMMISSION has established the following administrative rules, policies, and practices.

A. GENERAL AND MISCELLANEOUS POLICIES

1. General Provisions

- a. When reimbursement is otherwise authorized by statute, the COMMISSION may reimburse their board members for actual and necessary expenses incurred in the performance of official duties.
- b. The types of occurrences that qualify a COMMISSION board member to receive reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses include the following:
 1. Communicating with representatives of regional, state and national government's on COMMISSION adopted policy positions.

2. Attending educational seminars designed to improve officials' skill and information levels.
 3. Participating in regional, state and national organizations whose activities affect the COMMISSION interests.
 4. Attending COMMISSION events.
- c. All other expenditures require approval by the COMMISSION.

2. Reimbursement Rates

- a. The reasonable reimbursement rates for travel, meals, and lodging, and other actual and necessary expenses are those set out in the Placer County Administrative Code, Chapter 2, Meals, Lodging, Travel, and Transportation.
- b. If the lodging is in connection with a conference or organized educational activity, lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of the COMMISSION at the time of booking. If the group rate is not available, the COMMISSION member shall use comparable lodging that is consistent with the requirements of the Placer County Administrative Code, Chapter 2, Meals, Lodging, Travel, and Transportation.
- c. COMMISSION board members shall use government and group rates offered by a provider of transportation or lodging services for travel and lodging when available.
- d. All expenses that do not fall within this policy, the Placer County Administrative Code, Chapter 2, Meals, Lodging, Travel, and Transportation, or the Internal Revenue Service reimbursable rates, shall be approved by the COMMISSION, in a public meeting before the expense is incurred, or ratified after the expense is incurred when prior action is not possible due to the urgency of the requirement for the expense.

3. Expense Reports

- a. The County Auditor shall provide expense report forms to be filed by the COMMISSION board members for reimbursement of actual and necessary expenses incurred on behalf of the local agency in the performance of official duties.
- b. The expense reports shall document that expenses meet this, and all other applicable COMMISSION and County policies, for expenditure of public resources.
- c. COMMISSION board members shall submit expense reports to the County Auditor no later than the 120th calendar day after the expense is incurred.

- d. Receipts, as required by the Placer County Administrative Code, Chapter 2, Meals, Lodging, Travel, and Transportation, shall accompany each expense report submitted for reimbursement.

4. Miscellaneous Provisions

- a. Members of the COMMISSION shall provide brief reports on meetings attended at the expense of the COMMISSION at the next regularly scheduled COMMISSION meeting.
- b. All documents related to reimbursable COMMISSION expenditures are public record, subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7, of Title1).

B. PENALTIES

1. Penalties for Misuse

- a. Penalties for misuse of public resources or falsifying expense reports in violation of expense reporting policies may include, but are not limited to the following:
 - b. The loss of reimbursement privileges.
 - c. Restitution to the COMMISSION.
 - d. Civil penalties for misuse of public resources pursuant to Government Code Section 8314.
 - e. Prosecution for misuse of public resources, pursuant to Section 424 of the Penal Code.

C. ETHICS TRAINING

1. General Provisions

- a. Each COMMISSION board member shall receive at least two hours of training in general ethics principles and “Ethics Laws” relevant to his or her public service every two years.
 - 1. “Ethics Laws” include, but are not limited to the following:
 - Laws relating to personal financial gain by public servants, including, but not limited to laws prohibiting bribery and conflict-of-interest laws.
 - Laws relating to claiming pre-requisites of office, including, but not limited to gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against

gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.

- Government transparency laws, including, but not limited to financial interest disclosure requirements and open government laws.
 - Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members.
- b. Each COMMISSION board member in service as of January 1, 2006, except for officials whose term of office ends before January 1, 2007, shall receive ethics training before January 1, 2007. Thereafter, each COMMISSION board member shall receive ethics training at least once every two years.
- c. COMMISSION board member who commences service with the COMMISSION on or after January 1, 2006, shall receive ethics training no later than one year from the first day of service with the COMMISSION. Thereafter, each COMMISSION board member shall receive ethics training at least once every two years.
- d. Each COMMISSION board member who serves more than one local agency shall satisfy the requirements of this policy once every two years without regard to the number of local agencies with which he or she serves.
- e. The COMMISSION'S Executive Director shall maintain records indicating both of the following:
1. The dates that the COMMISSION board member satisfied the requirements of this article.
 2. The entity that provided the training.
- f. Notwithstanding any other provision of law, the COMMISSION shall maintain these records for at least five years after the board member receives the training. These records are public records subject to disclosure under the California Public Records Act, Chapter 3.5 (commencing with Section 6250) of Division 7, of Title 1).